

**REMARKS**

The Office Action in the above-identified application has been carefully considered and this response has been presented to place this application in condition for allowance. Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1, 4-5, 8-9, and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Published U.S. Patent Application 2003/0110450 to Sakai (hereinafter, merely "Sakai") in view of Published U.S. Patent Application 2003/0100320 to Ranjan and Published U.S. Patent Application 2002/0107737 to Kaneko et al.

Sakai is disqualified as §103 prior art to the present application under the provisions of 35 U.S.C. §103(c). Under the provisions of 35 U.S.C. §103(c), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f) and (g) of 35 U.S.C. §102, shall not preclude patentability under §103 where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person or organization.

More specifically, M.P.E.P. §2146 states:

These changes to 35 U.S.C. 103(c) apply to all patents (including reissue patents) granted on or after December 10, 2004. The amendment to 35 U.S.C. 103(c) made by the AIPA to change "subsection (f) or (g)" to "one or more of subsections (e), (f), or (g)" applies to applications filed on or after November 29, 1999. It is to be noted that, for all applications (including reissue applications), **if the application is pending on or after December 10, 2004, the 2004 changes to 35 U.S.C. 103(c), which effectively include the 1999 changes, apply; thus, the November 29, 1999 date of the prior revision to 35 U.S.C. 103(c) is no longer relevant.** (Emphasis added)

Sakai is entitled to an earliest U.S. filing date of December 12, 2001, based on the filing of a provisional application. Sakai was published on June 12, 2003. The present application is entitled to a foreign priority date under 35 U.S.C. §119(a) of December 20, 2002 based on an application filed in Japan. Applicants are submitting with this response an English translation of the priority document in order to perfect Applicants' foreign priority rights under 35 U.S.C. §119.

Sakai and the present application were, at the time the present invention was made, subject to an obligation of assignment to the same organization, i.e., Sony Corporation. Such obligation is evidenced by the recording of assignment documents in the U.S. Patent and Trademark Office at Reel No. 013373, Frame No. 0190.

Accordingly, Sakai is disqualified as prior art in a rejection under 35 U.S.C. §103(a); and thus all of the outstanding rejections based upon Sakai in the above-noted Office Action are overcome.

Therefore, Applicants respectfully submit that claims 1, 4-5, 8-9, and 12 are patentable.

### **CONCLUSION**

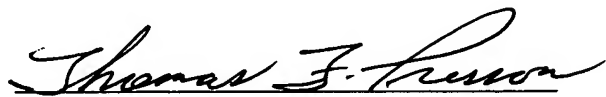
In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

No additional fees are deemed to be required for the filing of this amendment, but if such are, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in cursive script, appearing to read "Thomas F. Presson", is written over a horizontal line.

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